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UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON - PORTLAND DIVISION

In re

ANNIKA URSULA ERIKSSON AKA ANNIKA
LEE AKA ANNIKA URSULA BOLON DBA
SOULMATES DBA ANNIKA LEE,

Debtor.

Case No. 22-31175-thp13

Chapter 13

OBJECTION TO CONFIRMATION OF
CHAPTER 13 PLAN

CONFIRMATION HEARING:

DATE: OCTOBER 6, 2022

TIME: 1:30 PM

CTRM: TELEPHONIC

NewRez LLC d/b/a Shellpoint Mortgage Servicing ("Creditor"), hereby objects to confirmation of the Chapter 13 Plan filed by Debtor in the above-referenced matter. The basis of the objection is stated below.

I. STATEMENT OF FACTS

1. On or about October 26, 2006, Sherry Garboden and Elbert Garboden (the "Borrowers"), executed a Promissory Note in the original principal amount of \$281,600.00 (the "Note"). The Note is secured by a Deed of Trust encumbering real property commonly described as 12054 Chapin Court, OR 97045 (the "Property"), which is more fully described in the Deed of Trust.

2. Subsequently, all right, title and interest under the Note and Deed of Trust was assigned to Creditor.

3. On or about December 20, 2021, an unauthorized Grant Deed was recorded in the Clackamas County Recorder's office whereby interest in the Subject Property was transferred to the Debtor, Annika Eriksson, as a gift for no consideration.

4. On or about July 21, 2022, Debtor filed a Chapter 13 bankruptcy petition. Debtor's Chapter 13 Plan ("Plan") provides for payments to the Trustee in the amount of \$452.84 per month for thirty-six (36) months. However, while the Debtor's schedule lists the Creditor's Claim, no provision has been made in the Plan for the treatment of Creditor's Claim.

5. The pre-petition arrearage on Creditor's secured claim is estimated to be \$205,746.40. The arrears will be reflected on Creditor's Proof of Claim.

6. Debtor will have to increase the payment through the Chapter 13 Plan to this Creditor by approximately \$3,417.00 monthly in order to cure pre-petition arrears within 60 months.

II. ARGUMENT

Application of the provisions of 11 U.S.C. § 1325 and determines when a plan shall be confirmed by the Court. Based on the above sections, as more fully detailed below, this Plan cannot be confirmed as proposed.

A. PROMPT CURE OF ARREARS FULL VALUE REQUIREMENT

Pursuant to 11 U.S.C. § § 1322(b)(5) and 1325(a)(5)(B)(ii), a plan must provide for the cure of arrearages within a reasonable time and provide for continuing payments on a secured claim where the last payment is due after the date which the final plan payment is due.

The pre-petition arrearage on Creditor's secured claim is estimated to be \$205,746.40. The arrears will be reflected on Creditor's Proof of Claim. Debtor will have to increase the payment through the Chapter 13 Plan to this Creditor by approximately \$3,417.00 monthly in order to cure pre-petition arrears within 60 months.

WHEREFORE, Creditor respectfully requests:

- i. That confirmation of the Debtor's Chapter 13 Plan be denied and Debtor be ordered to file a Motion to Confirm Amended Plan within 14 days;

- 1 ii. Alternatively, that the Plan be amended to provide for timely payment of ongoing payments due
2 and the cure of arrears owed to Creditor within a period not exceeding 60 months; and
3 iii. For such other and further relief as this Court deems just and proper.

4 Respectfully submitted,

5 ALDRIDGE PITE, LLP

6 Dated: September 27, 2022

7 /s/ Jesse A.P. Baker (SBN 36077)

8 JESSE A.P. BAKER

9 Attorneys for NewRez LLC d/b/a Shellpoint Mortgage
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1 **CERTIFICATE OF SERVICE**

2 On September 27, 2022, I caused the foregoing OBJECTION TO CONFIRMATION OF
3 CHAPTER 13 PLAN to be served on the following individuals by depositing true copies thereof in the
4 United States mail, enclosed in a sealed envelope, with postage paid, addressed as follows:

5 **DEBTOR(S)**

6 Annika Ursula Eriksson
7 1730 SW 203rd Ave
8 Beaverton, OR 97003

9 The following parties were served by electronic means through the Court's ECF service:

10 **DEBTOR(S) ATTORNEY**
11 PRO SE

12 **CHAPTER 13 TRUSTEE**
Wayne Godare

13 I certify under penalty of perjury that the foregoing is true and correct.

14
15 Dated: September 27, 2022

/s/ Ana R. Vetter
ANA VETTER